

Message Text

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ORIGIN L-03

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-----086419 140926Z /14

R 140039Z SEP 77
FM SECSTATE WASHDC
TO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: CGEN, IN, US

SUBJECT: CONSULAR CONVENTION

REF: (A) NEW DELHI 12583 AND PREVIOUS

1. DEPT. APPRECIATES REPORT CONTAINED REFTTEL ON PROGRESS
TOWARDS COMMENCING BILATERAL NEGOTIATIONS.

2. DEPT. ENCOURAGES EMBASSY TO MEET WITH JAGOTA AS PLANNED
IN ORDER TO GIVE NEGOTIATIONS FURTHER SHOT IN THE ARM.
WHILE AN ENUMERATION OF THE MAIN ISSUES CAN CERTAINLY HELP
CLARIFY PROSPECTS FOR REACHING AGREEMENT IN MOST EFFICIENT
AND QUICKEST MANNER, DEPT. DOES NOT WISH ANY COMMITMENTS TO
BE MADE RESPECTING ACCEPTABILITY OF SPECIFIC LANGUAGE ON
ANY PARTS OF THE DRAFT TREATY, EVEN ON AN 'AD REFERENDUM"
BASIS, PENDING COMMENCEMENT OF THE FORMAL NEGOTIATIONS.
EXPERIENCE IN OTHER NEGOTIATIONS TEACHES THAT PIECEMEAL
TREATMENT OFTEN PROVES COUNTER-PRODUCTIVE AND THAT, AS FAR ,
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AS POSSIBLE, THE SAME NEGOTIATORS SHOULD BE UTILIZED
THROUGHOUT THE ENTIRE PROCESS. FOR THIS REASON, THE DEPT.
PREFERS TO DEFER RESOLUTION OF ANY ISSUES UNTIL ACTUAL
NEGOTIATIONS COMMENCE. IF CERTAIN ISSUES CAN BE DISPOSED
OF IN EASY FASHION, THIS FACT WILL MANIFEST ITSELF VERY
QUICKLY AFTER NEGOTIATIONS COMMENCE.

3. WITH RESPECT TO ANY PARTICULAR ISSUES WHICH SHOULD BE MENTIONED IN THE UPCOMING MEETING, DEPARTMENT FEELS THAT BEST APPROACH WOULD BE TO RECEIVE ANY PRELIMINARY VIEWS WHICH GOI HAS AND PROMISE TO COMMUNICATE THEM TO THE DEPARTMENT. OF COURSE, THE DEPARTMENT CONTINUES TO BE PRIMARILY CONCERNED ABOUT PROBLEMS OF CONSULAR NOTIFICATION AND ACCESS, FREEDOM OF MOVEMENT OF CONSULAR OFFICERS IN THE EXECUTION OF THEIR FUNCTIONS (NORTHEAST TERRITORIES PROBLEM), ASSURANCE OF FULL RANGE OF PRIVILEGES AND IMMUNITIES FOR CONSULAR OFFICERS AND CONSULAR EMPLOYEES, FACILITATION OF THE WORK OF U.S. CONSULATES THROUGH DETAILED ENUMERATION OF THE NATURE AND SCOPE OF FUNCTIONS WHICH MAY BE PERFORMED BY CONSULAR OFFICERS, AND RESOLUTION OF OUTSTANDING ISSUES RELATING TO TAXATION OF CONSULAR AND DIPLOMATIC PROPERTIES. THESE ARE, HOWEVER, ONLY SOME OF THE MATTERS WHICH MUST BE DEALT WITH IN THE NEGOTIATION OF A FULL-BLOWN CONSULAR CONVENTION, AND IT'S GENERALLY UNWISE TO MAKE ASSUMPTIONS CONCERNING THE RELATIVE IMPORTANCE OF VARIOUS ISSUES PENDING COMMENCEMENT OF THE ACTUAL NEGOTIATIONS. SINCE IN THIS CASE, THE GOI IS RESPONDING TO A U.S. DRAFT WHICH INCORPORATES IN ALL RESPECTS MATTERS WHICH ARE OF IMPORTANCE TO U.S. INTERESTS, DEPT. FEELS THAT THE SEPTEMBER 27 MEETING SHOULD BE LIMITED AS MUCH AS POSSIBLE TO GETTING A FEELING FOR THE GOI'S GENERAL REACTION TO THE U.S. APPROACH AND TO MAKING DEFINITE ARRANGEMENTS FOR TACKLING THE WORK YET TO BE DONE.

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